

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRYAN S. DRAGER,

Defendant.

**No. 09-CR-4045-DEO**

**ORDER  
ACCEPTING REPORT AND  
RECOMMENDATION CONCERNING  
GUILTY PLEA**

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**I. INTRODUCTION AND BACKGROUND**

On December 16, 2009, a one count Superseding Indictment (Docket No. 136) was returned in the above-referenced case.

Count 1 of the Superseding Indictment charges that between about January 2007 and continuing through August 2009, in the Northern District of Iowa, defendant Bryan S. Drager, who has previously been convicted of a felony drug offense, that is possession of a controlled substance with intent to deliver - methamphetamine, on or about March 13, 1998, Case No. FECR011277, in the District Court for Monona County, Iowa, and other named defendants, did knowingly and unlawfully combine, conspire, confederate, and agree with each other and with other persons, and known and unknown to the Grand Jury,

1. to manufacture 500 grams or more of a mixture or substance containing a detectable amount of

methamphetamine, a Schedule II controlled substance,  
or 50 grams or more of actual (pure)  
methamphetamine, a Schedule II controlled substance,  
in violation of Title 21, United States Code,  
Sections 841(a)(1), 841(b)(1)(A), 851, and;

2. to manufacture 50 grams or more of a mixture or  
substance containing a detectable amount of  
methamphetamine, a Schedule II controlled substance,  
or 5 grams or more of actual (pure) methamphetamine,  
a Schedule II controlled substance, in violation of  
Title 21, United States Code, Sections 841(a)(1) and  
841(b)(1)(B), 851, and

This was in violation of Title 21, United States Code,  
Section 846.

On December 28, 2009, defendant Bryan S. Drager appeared  
before Chief United States Magistrate Judge Paul A. Zoss and  
entered a plea of guilty to Count 1 of the Superseding  
Indictment. In the Report and Recommendation (Docket No. 171,  
12/28/2009), Chief United States Magistrate Judge Paul A. Zoss  
recommends that defendant Bryan S. Drager's guilty plea be  
accepted. No objections to Judge Zoss's Report and

Recommendation were filed. The Court, therefore, undertakes the necessary review to accept defendant Bryan S. Drager's plea in this case.

## **II. ANALYSIS**

### **A. Standard of Review**

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

In this case, no objections have been filed, and it appears to the Court upon review of Chief Magistrate Judge Zoss's findings and conclusions that there are no grounds to reject or modify them.

**IT IS THEREFORE HEREBY ORDERED** that this Court accepts Chief Magistrate Judge Zoss's Report and Recommendation (Docket No. 171), and accepts defendant Bryan S. Drager's plea of guilty in this case to Count 1 of the Superseding Indictment filed on December 16, 2009, (Docket No. 136).

**IT IS SO ORDERED** this 11th day of February, 2010.

A handwritten signature in black ink, reading "Donald E. O'Brien", is written over a horizontal line.

Donald E. O'Brien, Senior Judge  
United States District Court  
Northern District of Iowa